

MAY 20 2007

(Rev. 10/95)

ROBERT H. SHEMMEY, CLERK  
BY DR  
DEPUTY

### WAIVER OF SERVICE OF SUMMONS

TO: J.R. Whaley, Neblett, Beard & Arsenault

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Merck & Company, Inc., acknowledge receipt of your request  
(DEFENDANT NAME)

that I waive service of summons in the action of Sherri Ballance v. Merck & Co., Inc.,  
(CAPTION OF ACTION)

which is case number 5:07-cv-0696 in the United States District Court  
(DOCKET NUMBER)

for the Western District of Louisiana

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after May 1, 2007,  
(DATE REQUEST WAS SENT)  
or within 90 days after that date if the request was sent outside the United States.

5/22/07

(DATE)

Christina L. Gaarder

(SIGNATURE)

Christina L. Gaarder, Venable LLP, 2 Hopkins  
Plaza, Suite 1800, Baltimore, MD 21201

Printed/Typed Name:

As Outside Counsel  
(TITLE)

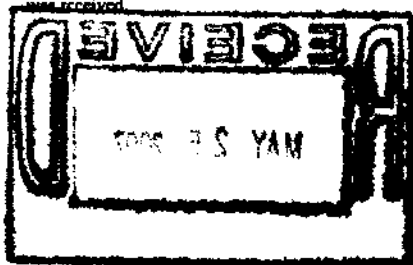
of Merck & Co., Inc.  
(CORPORATE DEFENDANT)

#### Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.



U. S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
RECEIVED - SHREVEPORT

**CT CORPORATION**  
Pfizer/Kaiser Company

MAY 29 2007

ROBERT H. SHENWELL, CLERK  
BY AP DEPUTY

**TO:** Debra A Bollwage, Assistant Secretary  
Merck & Co., Inc.  
One Merck Drive  
Whitehouse Station, NJ, 08889-0100

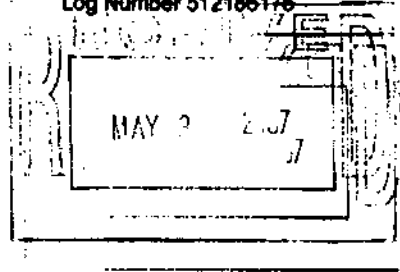
**RE:** Process Served in Louisiana

**FOR:** Merck & Co., Inc. (Domestic State: NJ)

**Service of Process  
Transmittal**

05/02/2007

Log Number 512186175



**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

<b>TITLE OF ACTION:</b>	Sherri Ballance, P.M. vs. Merck & Co., Inc., etc., Dft.
<b>DOCUMENT(S) SERVED:</b>	Letter, Summons, Return of Service, Self-Addressed Envelope, Notice (2 sets), Waiver (2 sets), Complaint
<b>COURT/AGENCY:</b>	U.S. Bankruptcy Court, Western District, La Case # 5:07CV00896
<b>NATURE OF ACTION:</b>	Product Liability Litigation - Drug Litigation - In connection with the use of the prescription drug Fosamax
<b>ON WHOM PROCESS WAS SERVED:</b>	C T Corporation System, Baton Rouge, LA
<b>DATE AND HOUR OF SERVICE:</b>	By Certified Mail on 05/02/2007 postmarked on 05/01/2007
<b>APPEARANCE OR ANSWER DUE:</b>	Within 20 days after service of this summons upon you, exclusive of the day of service
<b>ATTORNEY(S) / SENDER(S):</b>	Richard J. Arsenault Neblett, Beard & Arsenault P.O. Box 1190 Alexandria, LA, 71309-1190 318-487-9874
<b>REMARKS:</b>	"Service was made by mail pursuant to Rule 4 of the Federal Rules of Civil Procedure. <b>IMPORTANT:</b> Please note the Waiver of Service of Summons", which may require your signature.
<b>ACTION ITEMS:</b>	SOP Papers with Transmittal, via Fed Ex Priority Overnight, 788165937743 Email Notification, Debra A Bollwage DEBRA_BOLLWAGE@MERCK.COM
<b>SIGNED:</b>	C T Corporation System
<b>PER:</b>	Parrish Madonia
<b>ADDRESS:</b>	8550 United Plaza Boulevard Baton Rouge, LA, 70809
<b>TELEPHONE:</b>	225-922-4490

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RICHARD J. ARSENAULT \*  
C. MICHAEL BOLLINGER  
DAVID O. WALKER \*\*  
PAUL J. TELLARICO  
WILLIAM S. NEBLETT \*\*\*  
MICHAEL S. KOCH  
WESLEY J. GRALAPP  
GARY J. ARSENAULT  
EDWARD E. ROBERTS, III  
STEVEN M. RACHAL  
JOHN R. WHALEY  
JEAN PAUL OVERTON

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
RECEIVED - SHREVEPORT

MAY 29 2007

ROBERT H. SHEM WELL, CLERK  
BY DP DEPUTY

May 25, 2007

ROBERT B. NEBLETT (1991)  
RICHARD W. BEARD (1988)

\* LAW CORPORATION  
ALSO ADMITTED IN  
COLORADO, TEXAS  
AND WASHINGTON, D.C.  
\*\* LAW CORPORATION  
ALSO ADMITTED IN TEXAS  
\*\*\* ALSO ADMITTED IN TEXAS

J. PHILLIP TERRELL, JR.  
OF COUNSEL

Honorable Robert H. Shemwell  
Clerk, USDC  
Western District of Louisiana  
1167 U.S. Courthouse  
300 Fannin Street  
Shreveport, LA 71101

Re: Civil Action No. 5:07-cv-0696  
Sherri Ballance v. Merck & Co., Inc.

Dear Mr. Shemwell:

Enclosed for filing is a signed Waiver of Service of Summons from Merck & Co., Inc.

With best regards, I am

Sincerely,



J.R. WHALEY

JRW/jmo  
Enclosure

cc: Ms. Sherri Ballance  
Mr. Eskridge E. "Sam" Smith, Jr.